

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

UNITED STATES OF AMERICA,

v.

CHARLES RAY PENNEY,

Defendant.

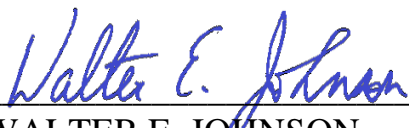
CRIMINAL ACTION FILE

NO. 4:18-CR-0002-HLM-WEJ

**NON-FINAL REPORT AND RECOMMENDATION**

The undersigned conducted an evidentiary hearing [95] on July 11, 2019, on Defendant's Motion to Suppress Statements [23]. Testimony from HSI Special Agent David Nalley showed that Mr. Penny was informed of his Miranda rights and that he knowingly and voluntarily waived those rights and answered questions from agents (an audio recording of which is in the record Gov't Ex. 1). Mr. Penny also signed a written waiver of his Miranda rights (Gov't Ex. 2). Given the above testimony and exhibits, the undersigned **RECOMMENDS** that Defendant's Motion [23] be **DENIED**.

**SO RECOMMENDED**, this 11th day of July, 2019.

  
WALTER E. JOHNSON  
UNITED STATES MAGISTRATE JUDGE